

FP-13-015962
FA-13-0690

Date : Mar 14, 2013 17:44 GMT
To : 17034286522
From : fax@requests.muckrock.com
Subject: Follow up to Freedom of Information Request: Collateral Murder -

March 14, 2013
Army
Robert Dickerson
Chief, Freedom of Information Act Office
Attn: AAHS-RDF
7701 Telegraph Road, Suite 150
Alexandria, VA 22315-3905

This is a follow up to a previous request:

To Whom It May Concern:

This is a request under the Freedom of Information Act directed to the U.S. Army Freedom of Information and Privacy Office.

I have sent concurrent similar FOIA requests to CENTCOM; FORSCOM; Chief Attorney and Legal Services Directorate who is authorized to act on FOIA requests related to the Office of the Secretary of the Army; Judge Advocate General who is authorized to act on requests for records relating to court-martials and administrative investigations; The Commander, U.S. Army Intelligence and Security Command; The Provost Marshall General who is authorized to act on all requests related to criminal investigations; and U.S. Army Criminal Investigation Command.

I hereby request any and all records or data products inclusive of those in electronic form or format for:

1.) Any and all FOIA requests and communications by or between Thomson Reuters Corporation (including their employees); Reuters Group (including their employees); The Washington Post (including their national enterprise editor and independent author David Finkel or other WP employees) and the U.S. Army to include: emails; letters; memos; meeting minutes; meeting notes; transcripts; presentations; audio; video(s); images; final or draft working documents; papers; reports; forms; as well as FOIA processing notes that concern the July 12, 2007 aerial weapons team Baghdad air strike in the district of New Baghdad in Baghdad and/or a video of the incident, entitled, "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi" (aka 'Collateral Murder').

According to a public report:

'Reuters has pressed the U.S. military to conduct a full and objective investigation into the killing of the two [Reuters] staff.

Video of the incident from two U.S. Apache helicopters and photographs taken of the scene were shown to Reuters editors in an off-the-record briefing in Baghdad on July 25, 2007.

U.S. military officers who presented the materials said Reuters had to make a request under the Freedom of Information Act (FOIA) to get copies. This request was made the same day.

[Major Shawn Turner, a spokesman for U.S. Central Command (CENTCOM)] said the military had released documents to Reuters [in 2009] in response to the FOIA request showing the presence of weapons on the scene, including AK-47 rifles and an RPG 7 grenade launcher. (Source: <http://www.reuters.com/article/2010/04/06/us-iraq-usa-journalists-idUSTRE6344FW20100406>)

David Finkel was an embedded media in Iraq in 2007 with 2nd Battalion, 16th Infantry Regiment of the 4th Infantry Brigade Combat Team, 1st Infantry Division, also known as

the "2-16 Rangers". (Source:
<http://www.booktv.org/Program/10974/The+Good+Soldiers.aspx>)

David Finkel's book, 'The Good Soldiers', published in September 2009, contains a transcript of the audio of the cockpit pilots in the unclassified video "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi". The video was also published by WikiLeaks on April 5, 2010.

I am also requesting any and all records or data products inclusive of those in electronic form or format for:

2.) Any or all incident(s) and/or security violation(s) reporting, investigation(s), inquiry(ies) preliminary; U.S. Army 15-6(s) investigations; findings; classification reviews; national security impact statements; damage assessments; and/or 'debriefings' by the U.S. Army with Thomson Reuters Corporation (including their employees); Reuters Group (including their employees); The Washington Post (including their national enterprise editor and independent author, David Finkel or other WP employees), and/or any other individual in the news media concerning any authorized or unauthorized disclosure of information to include: any record(s) or data\product(s) required by Army Regulation 380-5 or otherwise produced emails; letters; memos; meeting minutes; meeting notes; transcripts; presentations; audio; video; images; final or draft working documents; papers; reports; and/or forms about the July 12, 2007 aerial weapons team Baghdad air strike in the district of New Baghdad in Baghdad including a video of the incident, entitled, "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi" (aka 'Collateral Murder') between the dates of July 12, 2007 to the present.

Based on recent news developments, I am requesting expedited processing of my request(s).

As a journalist, I am primarily engaged in disseminating information. There exists an urgent need to inform the public of government activity pertaining to prior authorized or unauthorized disclosure of information related to the July 12, 2007 aerial weapons team Baghdad air strike in the district of New Baghdad in Baghdad and/or a video of the incident, entitled, "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi" (aka 'Collateral Murder') to members of the news media.

David Finkel's book was published before the time of the Espionage Act, 18 U.S.C. Section 793(e), charge against Private First Class Bradley Manning for the willful communicate of the unclassified video "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi" to a person not entitled to receive it.
(Source:<http://graphics8.nytimes.com/packages/pdf/politics/20110302-manning.pdf> and http://books.google.com/books?id=uKMxC5Ka3lgC&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q=2009&f=false)

Private First Class Manning pled to a lesser included offenses for the willful communication of the video to WikiLeaks.org; but did not plead guilty to 18 U.S.C. Section 793(e). Information already in the public realm does not qualify as national defense information. (Source:
http://www.alexabrien.com/secondsight/wikileaks/bradley_manning/us_v_pfc_legal/plea_and_forum/us_v_pfc_manning_formal_plea_by_exceptions_and_substitutions_february_28_2013.html)

The presiding military judge, Col. Denise Lind, took judicial notice of the date of publication of the Finkel's book on August 29, 2012.

Pfc. Manning testified on February 28, 2013 that after the unclassified video, "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi", was found in mid-February 2010 by his then co-worked Specialist Jihreah Showman on a shared SIPRNet hard drive, entitled "T&E", for the S2 Section of the Second Brigade Combat Team at C.O.S. or F.O.B. Hammer, Iraq.

SPEC Showman testified at the Article 32 in December 2011 that CW2 Hack, her commanding officer, was grooming her to be a targeting analyst for a future deployment. She testified that she watched the July 12, 2007 Baghdad apache airstrike video, "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi", four of five times with one other soldier, and three of four officers and discussing it. (Source:

http://www.alexabrien.com/secondsight/wikileaks/bradley_manning/witness_profiles_us_v_pfc_bradley_manning/us_army/witness_us_v_pfc_manning_specialist_jihrlah_showman.html)

Pfc. Manning testified when he performed open source research on the video (aka "12 JUL 07 CZ ENGAGEMENT ZONE 30 GC Anyone.avi" and Collateral Murder) being discussed in the T-S.C.I.F, he 'quickly realize that Mr. Finkel [book "The Good Soldiers" published in September 2009] was quoting...the audio communications of the aerial weapons team crew' in the unclassified video. (Source: http://www.alexabrien.com/secondsight/wikileaks/bradley_manning/pfc_bradley_e_manning_providence_hearing_statement.html)

Pfc. Manning testified that he also found:

"[S]everal news accounts involving two Reuters employees who were killed during the aerial weapon team engagement. Another story explained that Reuters had requested for a copy of the video under the Freedom of Information Act or FOIA. Reuters wanted to view the video in order to be able to understand what had happened and to improve their safety practices in combat zones. A spokesperson for Reuters was quoted saying that the video might help avoid the reoccurrence of the tragedy and believed there was a compelling need for the immediate release of the video." (Source: http://www.alexabrien.com/secondsight/wikileaks/bradley_manning/pfc_bradley_e_manning_providence_hearing_statement.html)

Pfc. Manning continues:

"Despite the submission [Reuters] of the FOIA request, the news account explained that CENTCOM replied to Reuters stating that they could not give a time frame for considering a FOIA request and that the video might no longer exist. Another story I found written a year later said that even though Reuters was still pursuing their request, they still did not receive a formal response or written determination in accordance with FOIA." (Source: http://www.alexabrien.com/secondsight/wikileaks/bradley_manning/pfc_bradley_e_manning_providence_hearing_statement.html)

According to the public record of Court proceedings and defense filings James Culky (sp.) the 4th Cavalry Division, Brigade S2 conducted a classification review of the three Apache gun videos that were sent to his division by FORSCOM after the video was published by WikiLeaks.org on April 5, 2010. (Source: http://www.alexabrien.com/secondsight/wikileaks/bradley_manning/witness_profiles_us_v_pfc_bradley_manning/official_classi/witness_us_v_pfc_bradley_manning_james_culky_4th_cavalry_division_brigade_s2.html)

Court record shows that investigation of the unauthorized disclosure to WikiLeaks have been conducted by CENTCOM; the Defense Intelligence Agency (DIA); Defense Information Systems Agency (DISA); Headquarters Department of the Army (HQDA); US Army Criminal Investigation Division (CID) for USFI (US Forces Iraq) and 1st Armored Division (AD); US Army Computer Crimes Investigative Unit (CCIU); 2nd Army (US Army Cyber Command). (Source: http://www.alexabrien.com/secondsight/wikileaks/bradley_manning/transcripts/transcript_us_v_pfc_manning_motions_hearing_june_6_2012.html)

Within that or in addition, three military intelligence investigations were conducted. (Source: http://www.alexabrien.com/secondsight/wikileaks/bradley_manning/transcripts/transcript_us_v_pfc_manning_motions_hearing_june_6_2012.html)

If you regard these records or data products as potentially exempt from disclosure requirements, I request that you nonetheless exercise your discretion to disclose them.

Please release all reasonably segregable nonexempt portions of documents.

If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information and notify me of appeal procedures available under the law.

I also request that, if appropriate, fees be waived as I believe this request is in the public interest.

The requested documents will be made available to the general public free of charge as part of the public information service, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

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I would prefer the request be filled electronically, by e-mail attachment if available or CD-ROM if not.

If you have any questions related to this request please contact me via email at [redacted]@alexaobrien.com.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 20 business days, as the statute requires.

Sincerely,

Alexa D. O'Brien
(917) 568-3966
email@alexaobrien.com

Filed via MuckRock.com
E-mail (Preferred): 3779-63599544@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 3779
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

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email@alexao'Brien.com

Filed via MuckRock.com
E-mail (Preferred): 3779-63599544@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News

DEPT MR 3779
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.